IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 12TH SEPTEMBER 2007 / 21ST BHADRA 1929

WP(C).No. 6446 of 2007(P)

PETITIONER:

T.T. JOSEPH, THANNIPPARA HOUSE,
MANALINGAL P.O., KOTTAYAM.

BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

RESPONDENTS:

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1. THE SPECIAL TAHSILDAR,
KERALA STATE FINANCIAL ENTERPRISES,
KOTTAYAM.

2. THE BRANCH MANAGER, KERALA STATE
FINANCIAL ENTERPRISES,
PALLICKATHODU, KOTTAYAM.

3. JOSEPH MATHEW, VENGALOOR HOUSE,
KARIMBANI P.O., KOTTAYAM.

BY ADV. SRI.A.K.JOHN, ADDL.SC., KSFE LTD.
SRI.ASOK M.CHERIYAN, SC, K.S.F.E. LTD.
ADV. SHRI.P.N.SANTHOSH, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE SALE DEED NO. 1048/2002 DATED 06/11/2002.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 6446 of 2007

Dated, this the 12th day of September, 2007

J U D G M E N T

Petitioner purchased part of the property mortgaged by 3rd respondent for availing loan from KSFE. Even though property purchased by petitioner being subject to charge also could be sold in recovery proceedings, I feel, on equitable grounds respondents 1 and 2 should be directed to sell the balance mortgaged property, i.e. excluding the property purchased by the petitioner, and proceed against petitioner's property only if sale proceeds of such property are not sufficient to discharge all liabilities. This writ petition is accordingly disposed of directing respondents 1 & 2 to follow the above direction.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg